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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,779	11/29/2000	Chris Cifra	5150-43700	1986
35690	7590	08/17/2004	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			PILLAI, NAMITHA	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/726,779

Applicant(s)

CIFRA ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-27,29-40 and 42-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16-27,29-40 and 42-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-5, 7-14, 16-18, 20-27, 29-31, 33-40 and 42-47 are rejected under 35 U.S.C. 102(e) as being clearly anticipate by U. S. Patent No. 6, 298, 474 B1 (Blowers et al.).

Referring to claims 1 and 27, Blowers discloses a method for generating a computer program by receiving user input specifying a prototype, wherein the prototype comprises a series of functional operations, wherein at least one of the operations has an associated one or more parameters (column 1, lines 47-55). Blowers discloses automatically generating the program that implements the prototype, in response to the specified prototype, wherein comprising automatically generating a graphical user interface for the program (column 3, lines 15-20). Blowers also discloses that automatically generating the graphical user interface comprises automatically creating graphical user interface elements associated with the one or more parameters (column 3, lines 26-33), wherein during execution of the program, the graphical user interface elements are displayed and are operable to receive user input or display the output (column 9, lines 7-11), wherein as seen in Figure 7, the user configures the parameter

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data wherein the execution of the program is evident in the display of the graphical representations of the program along with a results “blog” window both shown in Figure 7.

Referring to claims 3, 16, 29 and 42, Blowers discloses generating the program comprises automatically generating code for the program without direct user input (column 3, lines 40-44).

Referring to claims 4, 17 and 30, Blowers discloses at least one of the operations has an associated input parameter (column 3, lines 28-34), wherein the graphical user interface comprises a graphical user interface element for interactively providing program input specifying a value for the input parameter, as seen in Figure 7 (column 9, lines 7-9).

Referring to claims 5, 18 and 31, Blowers discloses at least one of the operations has an associated output parameter, wherein generating the graphical user interface comprises creating a graphical user interface element for viewing program output indicating a value for the output parameter (column 3, lines 45-55).

Referring to claims 7, 20 and 33, as seen in by the code formed in text forms in within the graphical representation of Figure 6, the generated program is text-based.

Referring to claims 8, 21, 34 and 44, as seen in Figure 6, the generated program is a graphical program, comprising a plurality of interconnected nodes that visually indicate functionality of the program.

Referring to claims 9, 22 and 35, Blowers discloses receiving user input specifying a prototype is performed by a prototyping application, as seen in Figure 7, wherein a specific prototyping application is used to configure the user input to applied to the program (column 9, lines 7-9), wherein the prototyping application interfaces with a

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programming environment application in order to perform the generation of the program (column 3, lines 40-44).

Referring to claims 10, 23 and 36, Blowers discloses determining the data type of the parameters and creating graphical user interface elements associated with the parameters comprising creating a graphical user interface element according to the data type of the parameters, as seen in Figure 6, wherein the “Blob”, “Acquire” are examples of controls wherein the control expresses an association based on the types of data that is being accessed.

Referring to claims 11 and 37, Blowers discloses the prototype specifying an image-processing algorithm, with the generated program implementing this image-processing algorithm (column 2, lines 50-52).

Referring to claims 12, 25 and 38, Blowers discloses that the graphical user interface includes a graphical user interface element for providing input parameter values affecting the image processing algorithm, as seen by the “Blob” control in Figure 6, and the input of parameters as shown in Figure 7.

Referring to claims 13, 26 and 39, Blowers discloses the graphical user interface including graphical user interface elements for viewing output parameter values determined by the image processing algorithm, as seen by the image shown in Figure 7 (column 3, lines 45-55).

Referring to claim 14, Blowers discloses a method for generating a computer program by receiving user input specifying a prototype through a prototyping environment application, wherein the prototype comprises a series of functional operations, wherein at least one of the operations has an associated one or more

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parameters, as seen in specifying a prototype in Figure 7 (column 2, lines 47-55 and column 9, lines 7-9). Blowers discloses the prototyping environment operable, the association caused by the specifying of the prototype by the user in the prototyping environment, wherein these parameters would be used to automatically generating the program that implements the prototype, in response to the specified prototype (column 3, lines 40-44), wherein comprising automatically generating a graphical user interface for the program (column 3, lines 15-20). Blowers also discloses that the graphical user interface comprises creating user interface controls associated with the one or more parameters (column 3, lines 1-5 and 24-30). Blowers also discloses that automatically generating the graphical user interface comprises automatically creating graphical user interface elements associated with the one or more parameters (column 3, lines 26-33), wherein during execution of the program, the graphical user interface elements are displayed and are operable to receive user input or display the output (column 9, lines 7-11), wherein as seen in Figure 7, the user configures the parameter data wherein the execution of the program is evident in the display of the graphical representations of the program along with a results “blog” window both shown in Figure 7.

Referring to claim 24, Blowers discloses that the prototyping environment application is an image processing prototype environment application, as is seen in Figure 7 (column 11, lines 22-27). Blowers discloses the prototype specifying an image-processing algorithm, with the generated program implementing this image-processing algorithm (column 2, lines 50-52).

Referring to claim 40, Blowers discloses a method for automatically generating a computer program by receiving a program information specifying functionality of the

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computer program (column 1, lines 47-55). Blowers discloses automatically generating the program that implements the specified functionality, in response to the program information, wherein comprising automatically generating a graphical user interface for the program (column 3, lines 15-20). Blowers also discloses that the graphical user interface comprises creating user interface controls for providing input to and/or viewing output from the program (column 3, lines 1-5 and 24-30). Blowers also discloses that automatically generating the graphical user interface comprises automatically creating graphical user interface elements associated with the one or more parameters (column 3, lines 26-33), wherein during execution of the program, the graphical user interface elements are displayed and are operable to receive user input or display the output (column 9, lines 7-11), wherein as seen in Figure 7, the user configures the parameter data wherein the execution of the program is evident in the display of the graphical representations of the program along with a results “blog” window both shown in Figure 7.

Referring to claim 43, Blowers discloses as seen by the controls “Blob”, “Acquire” on Figure 6, wherein the graphical user interface controls of the program corresponds to the parameters specified by the program information.

Referring to claim 45, Blowers discloses, as seen in Figure 6, the received program specifying a prototype, and the “if-then-else” statement specifically represent a test executive sequence and a state diagram, wherein the sequence is based on the current state of a distinct variable, as is a “if-then-else” statement is used for.

Referring to claim 46, Blowers discloses automatically generating a block diagram, wherein the block diagram comprises a plurality of interconnected nodes that visually indicate the functionality of the program as shown in Figure 6.

Referring to claim 47, Blowers discloses automatically generating a user interface panel, wherein the user interface panel comprises the graphical user interface elements (Figure 7).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6, 19 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blowers.

Referring to claims 6, 19 and 32, Blowers discloses that a plurality of parameters are associated with the functional operations, wherein receiving user input specifying which of the plurality of parameters are desired to have associated graphical user interface elements (column 3, lines 28-31). Blowers also discloses that the generated graphical user interface comprises creating graphical user interface elements associated with each specified parameter (column 3, lines 31-35). Blowers does not explicitly disclose not creating graphical user interface elements associated with unspecified parameters but Blowers only discusses displaying the desired graphical user interface elements, which represent the parameters. It would have been obvious that the undesired and those not chosen by Blowers would not have graphical user interface elements

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associated with any parameters, for reasons that they need not be displayed. Blowers may not explicitly disclose that unnecessary graphical user interface elements will not be generated with the unspecified parameters. But based on the fact, that an undesired parameter would not be useful to the user and need not be displayed to the user, makes it obvious that such unnecessary components would not be created. Hence, it would have been obvious to one skilled in the art, at the time of the invention to not create graphical user interface elements associated with unspecified parameters, which need not be displayed.

### ***Response to Claim Changes***

3. The Examiner acknowledges Applicant's amendments to claims 1, 4-6, 8, 10, 12-14, 17-19, 21, 23, 25-27, 30-32, 34, 36, 38-40, 43 and 44 and the addition of new claims 46 and 47 to better specify the present invention. However all pending claims are rejected under 35 U. S. C. 102 and 103 as being previously disclosed in a prior art.

### ***Response to Arguments***

4. Applicant's arguments filed 4/26/04 have been fully considered but they are not persuasive.

With respect to Applicant's arguments that Blowers does not disclose having a graphical user interface that is automatically created for the program. Blowers clearly states the purpose of the invention to be for the creation of a graphical representation of a program without the user actually writing out the program, thus there being a automated process. Blowers goes further in disclosing how a graphical structure representing tasks for carrying out a program is displayed without the user having to write the code, thus

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clearly disclosing a graphical user interface that is automatically created for a program (column 3, lines 15-45).

With respect to Applicant's arguments that Blowers does not disclose graphical user interfaces for the program but only have parameter pages. Blowers has disclosed the display of a tree structure that would represent a program (column 7, lines 35-39), wherein this tree structure is displayed in Figures 6-8. The parameters interfaces further shown in Figure 7, represents one element of a further display that would allow for configuration of the parameters used in the program that is represented in the tree structure.

With respect to Applicant's arguments that Blowers does not refer to controls as a graphical user interface element. Blowers does define controls, but Examiner does not fully rely on the use of controls for defining the use of graphical user interface elements. The graphical user interface elements have been interpreted as any type of element that can be displayed and viewed on the screen, where in the distinct nodes of the tree program structure would represent graphical user interface elements, in addition to the parameter "pages" shown in Figure 7.

With respect to Applicant's arguments that Blowers does not disclose a runtime screen that is not automatically generated during automatic generation of the program. The Applicant does not specifically claim a "runtime" screen in addition to this, a graphical user interface created "during" runtime can be interpreted as one of any screens that may be developed during the execution of a program. Furthermore, once the user has chosen the tasks and parameters, there is an execution process through which components of the programs are linked thereby creating the tree structure that is

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displayed in Figure 7. It is this tree structure that would be the graphical user interface that would be created after the user has chosen the components, an execution would have to occur within the computer system to link the information and create the tree structure that is shown (column 3, lines 29-40).

### ***Conclusion***

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeza can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

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possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
August 6, 2004



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